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Attorney Docket No. 046124-5025-U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Yukio KATO et al. )

Application No.: 09/555,342 )

Group Art Unit: 1642

Filed: May 26, 2000 )

Examiner: M. Davis

For: HUMAN FETUS CHONDROCYTE - )  
DERIVED GENE )Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Restriction Requirement responding to the Office Action dated August 28, 2001 (Paper No. 6).

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)  
☐ Information Disclosure Statement  
☐ Form PTO-1449, \_\_\_\_\_ references included  
☐ Citations  
☐ Declaration of Biological Deposit  
☒ Submission of A Sequence Listing, computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Extension of time fee due with this request: \$0

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		Minus		0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus	3	0	x \$78 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$260.00	+ \$
SUB-TOTAL =						\$
Reduction by 2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

☒ No fee is to be paid at this time.

☐ Check in the amount of \$\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: 9/28/01

By: Frederick J. Hamble  
Frederick J. Hamble  
Reg. No. 42,623

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